

# THE FEDERAL GANG VIOLENCE ACT OF 1996

San Diego Union Tribune  
October 31, 1995

## Robbers storm home, brutalize 4 Neighbors flee as police capture gang suspects

By JOE HUGHES and ANGELA LAU  
Staff Writers

An East San Diego household was brutally attacked and terrorized yesterday when suspected Cambodian gang members stormed the home in an armed robbery, forcing neighborhood evacuations.

turmoil. That suspect was found a block away by a police dog two hours later. One of the suspects, Phyrak Khun, 18, taken to a hospital to be treated for dog bites after his arrest. Kim Rothy, 24, and Phandy, 19, also were taken to the hospital. The victim, a 19-year-old woman, was taken to the hospital after being strangled.

Gannett  
January 17, 1996

## Street Gangs Have Hit Far Reaches of Rural West

Los Angeles Times  
February 26, 1996

## Mother of 2 Latest Victim of Gang Gunfire

■ **Crime:** Woman was crossing street with her daughter when men in a passing car shot her instead of their target, police say.

By EMI ENDO  
TIMES STAFF WRITER

A 35-year-old mother was shot in the back of the head while crossing a street in a rural area of the Los Angeles area.

Miami Herald  
August 26, 1995

## COPS: Turf War Killed 3-Year-Old

Associated Press  
November 20, 1995

## Alaska Has Its Share of Urban Crime Youth gangs show up to stake a claim on the last frontier



**U.S. Senator Dianne Feinstein**  
Washington, D.C. 20510



**S**treet gangs have long been considered loosely organized thugs, engaged in petty thefts and drugs on only a local level. Today's gangs are very different.

A sophisticated gang operation today can claim as many as 30,000 members, crossing state lines to establish syndicates in dozens of other states. These criminal organizations engage in high-stakes narcotics and weapons trafficking, gambling, smuggling, robbery and other equally serious crimes. Never before have gangs been so mobile and so dangerous, and the problem is spreading.

**FACT: At least 400,000 youths are currently in gangs nationwide. (FBI)**

**FACT: Violent street gangs are active in 94 percent of all medium- and large-sized cities in America. (Journal of American Medical Association)**

**FACT: Many of these cities have up to 40 different gangs.**  
*(The American Street Gang)*

I believe the federal government must be an active partner in the fight against gang violence. That is why I introduced **The Federal Gang Violence Act of 1996**, legislation aimed specifically at the most dangerous, sophisticated gangs that operate across state lines.

The following pages will outline the growing epidemic of gang violence and the provisions of the Federal Gang Violence Act.

# TODAY'S LAWS ARE NOT ENOUGH

**F**ederal laws now on the books were designed to fight one specific type of organized crime -- the Mafia. The RICO statute (Racketeer Influenced and Corrupt Organizations), used to fight organized crime, was written with Mafia-style organizations in mind. Meanwhile, street gangs were thought of as cliques of young thugs engaged in petty crimes.

Today's street gangs, however, have developed into highly organized criminal syndicates engaged in such serious crimes as murder, weapons and drug trafficking, alien smuggling, illegal gambling and robbery.

## TODAY'S GANGS ARE MORE SOPHISTICATED THAN EVER

- ◆ The “Gangster Disciples” in Chicago is a **30,000-member, multimillion-dollar gang operation that spans 35 states to run its drug empire** and traffick weapons. Run like a Fortune 500 company, the gang has two boards of directors, a set of governors and regents, a tax collector and some 6,000 salespeople to bring in \$300,000 daily. (Source: Associated Press, 3/24/96)
- ◆ **Russian organized crime syndicates** with thousands of members have been discovered operating in California, New York, Boston, Chicago, Miami, Cleveland, Philadelphia and Seattle, and are involved in such criminal activities as homicide, extortion, money laundering, prostitution, drug trafficking and auto theft across state lines and into Canada. (Source: California Department of Justice)
- ◆ Local authorities in Arlington, Virginia, broke up a **multi-state gun-trafficking operation** run by an Asian gang specializing in armed robbery of homes and sophisticated credit card scams. (Source: Richmond Times-Dispatch, 1/27/96)
- ◆ Police in San Jose, California, teamed with the FBI to crack a **high-tech software-trafficking syndicate** in the Silicon Valley. The street gang burglarized millions of dollars in computer chips from software companies by spying, committing armed robbery and even kidnapping company executives. (Source: San Jose Mercury News 2/29/96)

# ENDING GANG VIOLENCE

The Federal Gang Violence Act, drafted with the input of national and state law enforcement officials, addresses gang violence on three fronts:

- ◆ Raises the stakes for gang activities by expanding the scope of organized crime laws to include modern gang activities, such as car jacking and drive-by shootings, and significantly increasing those penalties;
- ◆ Strangles the growth of gangs by making it a crime to recruit minors into criminal gang activity when a federal offense is involved;
- ◆ Gives our law enforcement agencies the tools they need to combat this serious threat and prosecute perpetrators of gang violence to the fullest extent possible.

The following pages summarize The Federal Gang Violence Act of 1996.

*Honolulu Star Bulletin*  
March 18, 1996

## Youth Gangs Are Spreading Into New Neighborhoods

Raising alarms among those who track them and law enforcement officials

San Jose Mercury News  
October 31, 1995

# Killing linked to gang conflict

**Territorial dispute sparked San Jose shooting**

**Gunsfire that killed one person, injured two brothers and left scores of young people screaming and running for safety at a San Jose party Sunday was triggered home apparently by territorial jealousy.**

**'It's officials said "non victims," from "neged angry w- "neged angry w- "neged angry w-**

**'Apparently the suspects disputed the fact that non-San Joseans were there.'**

**- Sgt. Alex Arata**

**Arata**

**the name by**

**Arata said.**

**The gunfire killed Fernando Gonzalez, 18, and wounded Andre Vega, 21, and Gerardo Vega, 18.**

**Andre Vega was shot Monday brother was ' brother was ' brother was '**

# THE FEDERAL GANG VIOLENCE ACT OF 1996

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## 1. Doubles the penalties for any member of an organized criminal street gang who commits a federal crime.

Current federal law increases the penalties for organizers, leaders, managers and supervisors of criminal activity -- including gang leaders -- who commit a federal crime. However, members of known criminal street gangs are not subjected to higher penalties. This legislation amends the U.S. Sentencing Guidelines so that individual gang members convicted of federal crimes will have their sentencing level approximately doubled.

## 2. Doubles penalties for gang members who cross state lines to commit crimes.

The Travel Act, passed in 1961 with Mafia-style organizations in mind, makes it illegal to cross state lines to commit such crimes as extortion, bribery and narcotics trafficking.

In order to “modernize” the Travel Act to better reflect crimes currently committed by gang members, this legislation expands the list of unlawful activities to include:

drive-by shooting	witness intimidation
robbery	assault resulting in bodily injury
burglary	alien smuggling
kidnapping	assault with a deadly weapon
possession and/or	firearms trafficking
trafficking of stolen property	insurance fraud

This Act also doubles the base offense level for:

- ♦ traveling in interstate or foreign commerce in aid of a street gang;
- ♦ committing violent crimes in aid of a street gang or racketeering organization.

## 3. Makes recruiting minors to join criminal streets gangs a crime.

Current federal law contains no penalty for recruiting minors to participate in illegal gang activity. This legislation makes the recruitment or solicitation of minors to participate in criminal gang activity punishable by up to ten years in prison or a fine of up to \$250,000.

## 4. Makes immigrant smuggling, firearms trafficking, and use of minors to commit crimes predicate acts under RICO.

To apply federal racketeering laws (RICO) against criminal organizations, an organization must have engaged in at least two of more than 25 criminal activities listed under the RICO statute. This legislation adds modern gang activities such as weapons trafficking, immigrant smuggling, and use of minors to commit crime to the RICO list, increasing the maximum sentences for these crimes. Alien smuggling would also be a money laundering crime.

## 5. Amends federal law to prevent the transfer of firearms to minors.

Today's young gang members have access to firearms of all types, including the AK-47, Uzi and other semiautomatic assault weapons. While it is now a crime under federal law to knowingly transfer a firearm to be used to commit a violent crime or a drug trafficking crime, no mandatory minimum sentence exists. This legislation adds a mandatory minimum penalty of three years imprisonment if the gun to be used in a crime is transferred to a minor.

## 6. Applies toughened gun-transfer penalties to juveniles and adults.

This legislation also subjects juveniles and adults to the same penalties for violation of this law. Specifically, the legislation:

- ♦ Sets a one-year minimum and five-year maximum sentence for anyone -- adult or juvenile -- who unlawfully provides a minor with a handgun and it is used in a crime;
- ♦ Sets a one-year minimum sentence and applies the same 10-year maximum sentence to adults and juveniles who give a handgun to a minor and should have known the gun would be used in a crime of violence. Today's 10-year maximum sentence only applies to adults.

## 7. Creates the James Guelff Body Armor Act.

Many police officers around the country are confronting heavily-armed gang members who are wearing bullet-proof vests. This legislation creates a two-year mandatory, consecutive sentence for anyone who wears body armor in the commission of a federal offense.

## 8. Updates the definition of street gangs in federal law to reflect modern-day gang crimes.

Current federal law bases the definition and penalties for criminal street gangs upon the commission of a federal crime. This legislation broadens the definition of a criminal street gang by including many types of state crimes, such as **drive-by shooting, rape, torture, carjacking, kidnapping,** and **assault** with a deadly weapon. This bill also lowers the number of participants required to meet the definition of a gang from five to three. According to law enforcement, the current number is arbitrary and some dangerous street gangs today consist of fewer members.

By expanding the definition of gang membership, gang members committing both federal and state crimes will be subjected to higher penalties.

## 9. Expands the Armed Career Criminal Act to include repeat juvenile drug offenders.

The Armed Career Criminal Act currently sets a minimum 15-year penalty and fine of up to \$25,000 to any person with three or more prior convictions of certain crimes, which already includes serious drug offenses by adults. This bill allows juvenile convictions for serious drug offenses to count toward that three-conviction minimum.

## 10. Funds additional juvenile trial prosecutors and increases time limits for juvenile trial proceedings and funds additional prosecutors.

As more and more juveniles commit crimes that are increasingly violent and complex, prosecutors need additional time and resources to adequately develop cases.

- ◆ This legislation authorizes \$100 million over the next five years to hire additional prosecutors to try juvenile members of violent street gangs;
- ◆ This bill also increases the time limit to 70 days, the same length of time now available to pursue adult suspects.

## 11. Promotes the use of State Department linguists to assist in translating gang investigations.

This legislation will help supply federal law enforcement and courts with certified translators for Southeastern Asian, Russian and Arabic languages and Chinese dialects spoken by some gangs.

# PREVENTION: STOPPING VIOLENCE BEFORE IT BEGINS

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**W**hile updated laws and tougher penalties are needed by law enforcement agencies to fight gang violence, education and community-based anti-gang programs are critical in furthering this effort. Teaching children about peaceful conflict resolution, the harmful effects of drugs, and methods to develop self-confidence are just a few of the ways communities, schools and churches are keeping youngsters from joining gangs.

The 1994 Crime Bill provided \$6.1 billion for crime prevention programs, including anti-gang efforts. States, localities and public and non-profit organizations can apply for these funds and use them to support community-based programs designed to meet the unique needs of their particular community.

Below are examples of prevention programs funded by the 1994 Crime Bill:

### ◆ Gang Resistance Education and Training (G.R.E.A.T.)

This school-based program implemented in areas where gang activity is emerging or exists provides classroom instruction by uniformed police officers to help junior high students learn to set goals, resolve conflicts without violence, and understand cultural differences. Students must also volunteer some time to participate in community service during the summer.

### ◆ Youth Gang Drug Prevention Program

This grant is awarded to public and non-profit organizations to develop comprehensive, community-specific plans that focus on tutoring and job training to prevent children and teenagers from being recruited into local gangs.

### ◆ Community Schools Youth Services and Supervision

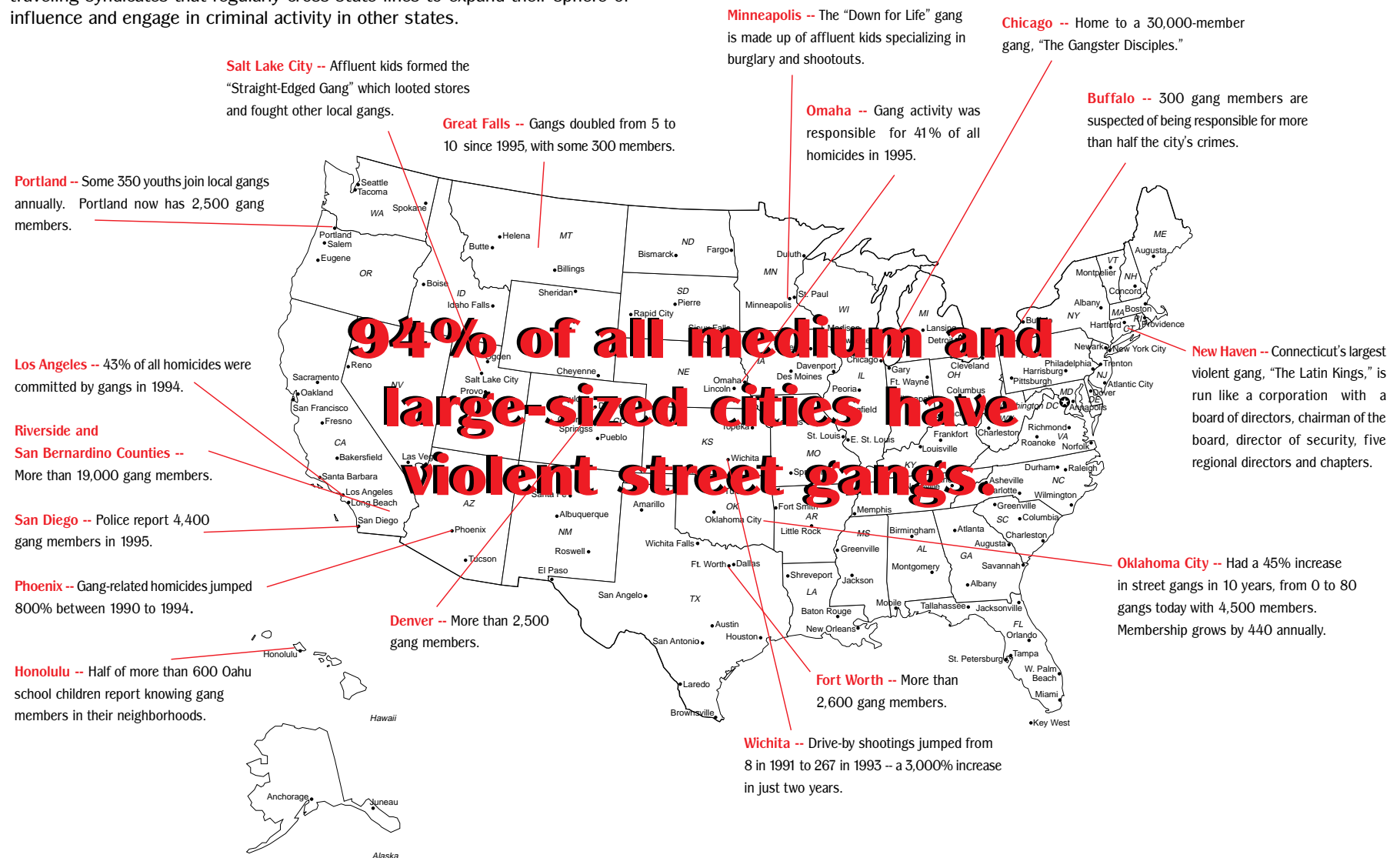
Non-profit, community-based organizations in areas with high poverty and juvenile delinquency can receive this grant to run after-school and summer educational, tutoring and mentoring programs, workforce preparation sessions, counseling and substance abuse treatment.

### ◆ Safe and Drug-Free Schools and Communities Federal Activities

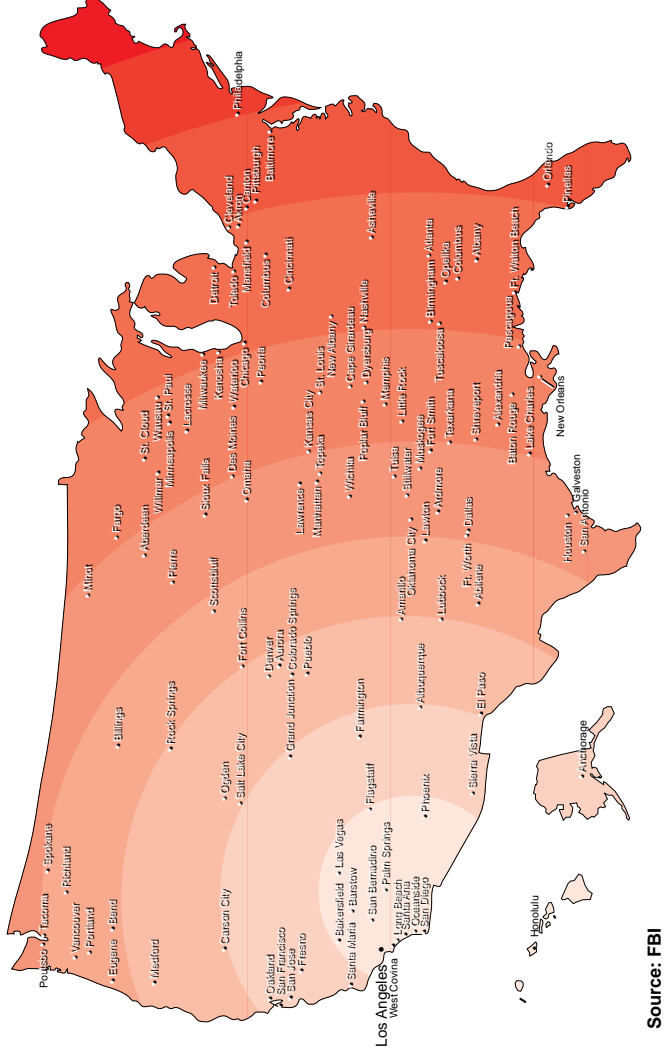
This anti-drug and violence program is taught in local schools by teachers, parents and community members to promote discipline and safety in preschool through high school classrooms. Students also volunteer for community service with local organizations to reduce drug and violence problems in their neighborhoods.

# GANGS: A NATIONAL PROBLEM

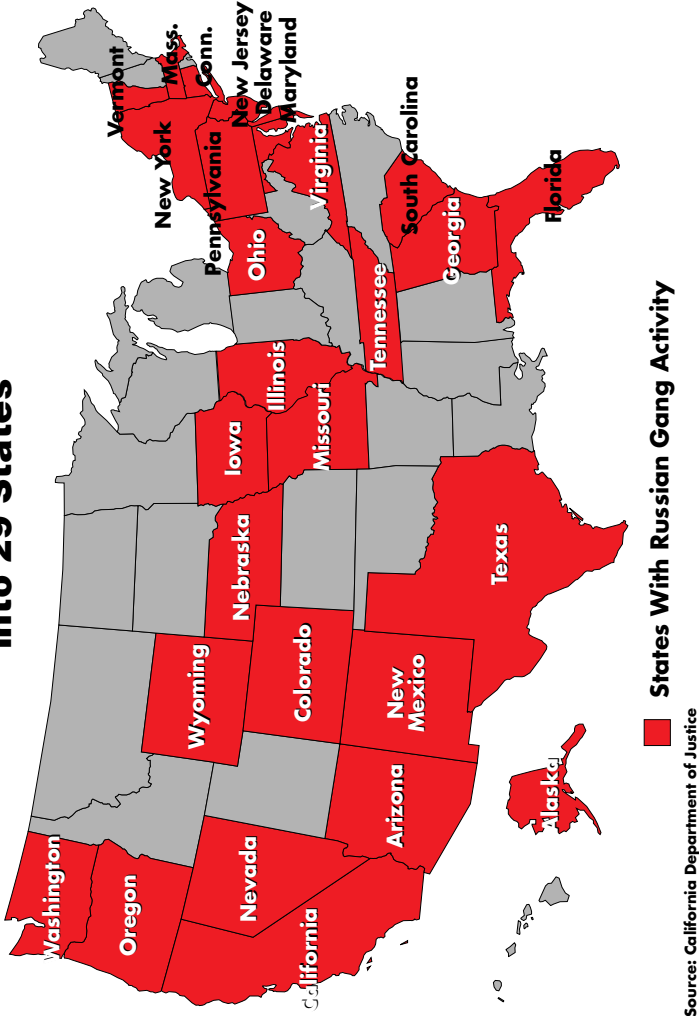
**N**ot a day seems to go by without a newspaper headline proclaiming yet another brutal slaying, many times of innocent bystanders, by violent street gangs. Gangs are a national epidemic, having evolved into highly organized traveling syndicates that regularly cross state lines to expand their sphere of influence and engage in criminal activity in other states.



## Expansion of “Bloods” & “Crips” Into 118 U.S. Cities



## Emergence of Russian Gangs into 29 States





A map of the United States with flight routes originating from Chicago. The routes are indicated by black arrows pointing to the following cities: Lansing, Milwaukee, Waterloo, Madison, Detroit, Peoria, Norfolk, Atlanta, Albany, Mobile, Memphis, Springfield, Kansas City, St. Louis, Denver, Topeka, Tulsa, and Houston. The map uses a color scheme where the states are colored red and the flight paths are highlighted in grey.

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A map of the United States with 17 major cities highlighted in red. The cities are: Seattle, Portland, San Francisco, San Jose, Los Angeles, Orange County, Houston, New Orleans, Atlanta, Chicago, Washington, D.C., Alexandria, New York City, Boston, and Baltimore. The map also shows state boundaries and the Hawaiian Islands.

**Source: FBI**



## WHAT LAW ENFORCEMENT SAYS ABOUT GANGS

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"We have 1,142 identified street gangs operating in Los Angeles County. In 1995, there were 790 gang homicides committed in Los Angeles County. There is something magical about being able to bring the full force of the federal government into an enforcement area. It seems to engender a level of concern and fear in the minds and hearts of criminals that the local and state systems just do not do."

-- Los Angeles County, California, Sheriff Sherman Block

"Asian organized crime groups have become highly organized, well structured, extremely profitable and often violent criminal enterprises which pose serious threats to communities across the United States, from New York to San Francisco."

-- New York FBI Special Agent-In-Charge James Kallstrom

"The greatest threat to society and young people today is gangs, and we're not immune to it in this city. They do anything that can make money - car jacking, burglary rings, drugs."

-- Oklahoma City, Oklahoma, Police Gang Crimes Unit Lt. Richard Aytes

"Used to be, you get in a fist fight and the worst you got were bumps and bruises. Now, you have to worry about getting shot and possibly killed whether you win or lose - especially if you win."

-- Phoenix, Arizona, Police Lt. Mike McCort

"The gang activity in Alameda County has been nothing short of epidemic. Over the past five years, we have had countless murders directly related to gang violence and narcotic trafficking. The cost in wrecked or ended lives is staggering."

-- Alameda County, California, Sheriff Charles C. Plummer

"Five hundred twenty gang-related crimes are 520 crimes too many in the city of Fort Worth, and although particular crimes may be more frequently committed in particular areas, gang activity can occur in any part of town."

-- Fort Worth, Texas, Police Chief Pat Knebllick

"A new juvenile gang recently formed in one area and spread all over town and into the suburbs. One person came from California and organized this group of people so fast I was alarmed."

-- Honolulu, Hawaii, Police Sgt. Rodney Goo

"Many of these gangs cross state lines because they are major operations and federal help is the only way we can deal with it."

-- San Bernardino County, California, District Attorney Dennis Stout

"In Omaha, you see a number of drive-by shootings driven by territorialism and gang-related homicides in addition to the types of assaultive behaviors seen in the smaller communities. That's the part of gangs that has really been the very worst of it."

-- Nebraska Crime Commission Director Allen Curtis

"This legislation will really help us in dealing with gang members that have become much more sophisticated operations that go far beyond what we used to call street gangs...Doubling the sentences sends a very clear message to gang members that we are simply not going to tolerate as a city or as a state or as a federal government the types of activities that are terrorizing many of our citizens right now."

-- San Diego, California, Police Chief Jerry Sanders

The appearance of youth gangs is one of Coweta's most disturbing crime trends... Gang graffiti has been found and covered up on buildings and walls in the county. More teens are flashing gang hand signals. There is gang activity here."

-- Coweta County, Georgia, Sheriff Mike Yeager



**T**here is no magic wand to wave at the problem of gang violence. We must work on many fronts -- enforcement, intervention, and prevention. Only through the combined efforts of parents, schools, churches, community leaders and law enforcement will the tide of gang violence begin to subside.

No single level of government can solve the problem of gang violence. This legislation makes the federal government a more active partner in this fight. By adopting this bill, Congress recognizes that gangs are a national problem with consequences that reach far beyond the resources of any one community or state, and that in order to be effective, *we must join forces*.